

AMENDED IN SENATE JULY 6, 2012

AMENDED IN SENATE JUNE 25, 2012

AMENDED IN SENATE MAY 31, 2012

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2679

Introduced by Committee on Transportation (Assembly Members Bonnie Lowenthal (Chair), Jeffries (Vice Chair), Achadjian, Blumenfield, Bonilla, Buchanan, Eng, Furutani, Galgiani, Logue, Miller, Portantino, and Solorio)

March 6, 2012

An act to amend Sections 935.7, 14685, and 29532.4 of the Government Code, to amend Sections 99155, 99155.5, 99206.5, 99207, 99214, 99220, 99233.12, 99238, 99238.5, 99260.7, 99262, 99268.5, 99285.2, and 99401.5 of the Public Utilities Code, to amend Sections 6480.1 and 60116 of the Revenue and Taxation Code, to amend Sections 349, 366, 374, 392, 411, 446, 452, 478, 485, 493, 527, and 538 of, and to amend and repeal Section 410 of, the Streets and Highways Code, and to amend Sections 5201, 22112, 22500.5, 22504, 22651, and 29004 of, ~~and to repeal Section 27314.5 of,~~ the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2679, as amended, Committee on Transportation. Transportation: omnibus bill.

(1) Existing law authorizes the Department of Transportation (department) to pay claims or damages up to a maximum of \$5,000

without the approval of the California Victim Compensation and Government Claims Board.

This bill would adjust the claim limit that may be paid by the department under these provisions to equal the maximum amount of a claim that can be brought in small claims court.

(2) Existing law authorizes the Department of General Services to establish rules and regulations for the use and maintenance of state buildings and grounds.

This bill would permit the riding of bicycles on designated pathways on the grounds of the State Capitol in order to access bicycle racks near the building entrances.

(3) Existing law, the Mills-Alquist-Deddeh Act, also known as the Transportation Development Act, provides for funding of local public transit systems throughout the state and requires, among other things, specified special accommodations for handicapped persons, as defined, on public transit systems.

This bill would replace the term “handicapped” with the term “disabled” throughout the act.

(4) Existing law authorizes the Solano County Transportation Authority to claim up to 2% of local transportation funds available under the Transportation Development Act for countywide transit planning and coordination relative to Solano County.

This bill would authorize the authority to claim up to 2.7% of those funds for these purposes.

(5) Existing law creates transportation commissions or authorities in certain counties, including Imperial and Los Angeles Counties, with various responsibilities relating to transportation planning and programming, among other things.

This bill would update various obsolete references to the Imperial County Transportation Commission and to the Los Angeles County Metropolitan Transportation Authority to reflect their current names.

(6) Existing law provides for the California Transportation Commission to adopt locations for state highways on routes authorized by law, and provides for relinquishment of certain segments of state highways from the state to local agencies.

This bill would acknowledge the relinquishment of the portion of Route 49 in the City of Auburn, the portions of Route 66 in the Cities of Fontana, Rancho Cucamonga, Upland, and Claremont, the portions of Route 74 in the Cities of Palm Desert and Lake Elsinor, the portion of Route 92 in the City of Hayward, a portion of Route 110 in the City

of Los Angeles, the portion of Route 111 in the City of Cathedral City, the portion of Route 146 in the City of Soledad, the portion of Route 152 in the City of Watsonville, the portion of Route 178 in the City of Bakersfield, the portion of Route 185 in the City of Hayward, the portion of Route 193 in the City of Lincoln, the portions of Route 227 in the Cities of Arroyo Grande and San Luis Obispo, and the portion of Route 238 in the City of Hayward.

(7) Existing law regulates the displaying of vehicle license plates and requires the rear license plate be mounted not less than 12 inches nor more than 60 inches from the ground, with certain specified exceptions.

This bill would add an additional exception by requiring that the rear license plate of a dump bed motortruck equipped with a trailing, load bearing swing axle, as defined, be mounted more than 12 inches, but not more than 107 inches, from the ground.

~~(7)~~

(8) Existing law requires the driver of a schoolbus to activate a flashing amber light warning system on the approach to a schoolbus stop where pupils are loading or unloading from the schoolbus and to operate flashing red signal lights and a stop signal arm at all times when the schoolbus is stopped for the purpose of loading or unloading pupils. Existing law also requires a schoolbus driver to load or unload pupils only at a schoolbus stop designated for pupils by the school district superintendent or authorized by the superintendent for school activity trips.

This bill would also authorize the director, head, or principal of a private school to designate schoolbus stops for loading or unloading pupils or for school activity trips.

Existing law prohibits a schoolbus driver from activating the amber warning light system or the flashing red signal lights and stop signal arm at a location determined by a school district, with the approval of the Department of the California Highway Patrol, to present a traffic or safety hazard.

This bill would also make this prohibition applicable to locations determined by private schools to present a traffic or safety hazard.

~~(8)~~

(9) Existing law prohibits any person from stopping, parking, or leaving a vehicle standing, among other places, on a crosswalk, except for a bus engaged as a common carrier or a taxicab stopped for the purpose of loading or unloading passengers, pursuant to a city ordinance.

Existing law authorizes a transit system and a school district to enter into an agreement, by ordinance, for the loading or unloading of passengers alongside curb spaces designated for the loading or unloading of passengers of the transit system buses.

This bill would authorize a transit system to enter into an agreement with a private school for the same purposes. The bill would also prohibit a schoolbus stop at a location otherwise prohibited by law, and other specified locations, without the approval of, and authorization by, the Department of the California Highway Patrol.

~~(9)~~

(10) Existing law authorizes the governing board of a school district to designate a schoolbus stop at a place where there is not a clear view of the stop from a distance of 200 feet in each direction along a highway, if it is necessary for the safety of pupils being transported to and from schools, and the stop is authorized and approved by the Department of the California Highway Patrol.

This bill would require, where there is not a clear view of a schoolbus stop from a distance of 200 feet in each direction along a highway, or where there is not a clear view of a schoolbus stop from 500 feet in each direction along the main portion of a highway and the speed limit is more than 25 miles per hour, that the stop may only be authorized annually by the Department of the California Highway Patrol upon the request of a school district superintendent or the director, head, or principal of a private school.

~~(10)~~

(11) Existing law imposes excise taxes and sales and use taxes on motor vehicle fuel, commonly known as gasoline, on jet fuel, and on diesel fuel. Existing law requires the State Board of Equalization to make specified annual adjustments to the tax rates to ensure the revenue neutrality under previously enacted statutory modifications of these tax rates, under which modifications certain taxes increased while others decreased. Existing law requires prepayment of a certain portion of the sales tax liability on these fuels based on annual estimates made by the State Board of Equalization that rely on a specified report of the State Energy Resources Conservation and Development Commission to determine the retail price of fuel.

This bill would require the annual adjustments to sales tax prepayment rates to be made at the same time as the annual adjustments of the fuel tax rates, and would provide for the prepayment rates to account for any changes in the fuel tax rates. The bill would delete the reference to

the specified report for determining the retail price of fuels and would instead authorize the board to rely on industry publications reporting that information. The bill would make other related changes.

(11)

(12) Existing law provides for the towing and impounding of vehicles that are, among other things, obstructing a highway, recovered as stolen, abandoned, or illegally parked and provides procedures for a person to recover his or her vehicle from impoundment.

Existing law specifies requirements relating to securing towed vehicles on certain carriers.

This bill would make technical changes to the procedures for towing a vehicle and for recovering a vehicle from impoundment.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 935.7 of the Government Code is
2 amended to read:

3 935.7. (a) Notwithstanding Section 935.6, the Department of
4 Transportation may deny or adjust and pay any claim arising out
5 of the activities of the department without the prior approval of
6 the California Victim Compensation and Government Claims
7 Board if both of the following conditions exist:

8 (1) The amount claimed is equal to or less than the amount
9 specified as the small claims court jurisdictional amount in Section
10 116.221 of the Code of Civil Procedure.

11 (2) The Director of Finance or the Director of Transportation
12 certifies that a sufficient appropriation for the payment of the claim
13 exists.

14 (b) If the department elects not to pay any claim, the department
15 shall provide the notice required by Section 913.

16 (c) Any person who submits any claim arising out of any activity
17 of the Department of Transportation shall comply with every other
18 applicable provision of this part relating to claims against state
19 agencies.

20 SEC. 2. Section 14685 of the Government Code is amended
21 to read:

22 14685. (a) The director shall appoint assistants, clerks, and
23 employees as may be necessary to maintain the state buildings and

1 grounds. The employees shall not have or perform the duties or
2 functions of peace officers.

3 The department may establish rules and regulations for the
4 government and maintenance of the state buildings and grounds
5 consistent with this section. Every person who violates or attempts
6 to violate the rules and regulations is guilty of a misdemeanor.

7 (b) Information regarding missing children provided by the
8 Department of Justice pursuant to Section 11114.1 of the Penal
9 Code shall be posted in public areas of all state-owned or leased
10 buildings that have at least 20,000 square feet of office space, or
11 that are staffed by at least 50 employees, or where service is
12 provided to the general public and in other public areas of
13 state-owned or leased buildings as determined by the department
14 to be reasonable.

15 (c) (1) Consistent with this section, the Department of the
16 California Highway Patrol may establish rules and regulations
17 pertaining to the protection of state employees, properties, buildings
18 and grounds, and occupants of state properties, including, but not
19 limited to, the issuance of permits concerning the use of state
20 buildings, properties, and grounds.

21 (2) A violation of any rule or regulation adopted pursuant to
22 paragraph (1) is a misdemeanor.

23 (3) This subdivision does not apply to state buildings or grounds
24 owned, leased, rented, controlled, used, or occupied by the
25 University of California, the California State University, Hastings
26 College of the Law, the California Exposition and State Fair, the
27 state hospitals of the State Department of Mental Health or the
28 State Department of Developmental Services, the institutions and
29 camps of the Department of Corrections and Rehabilitation or the
30 Division of Juvenile Justice, and the parks and beaches of the
31 Department of Parks and Recreation.

32 (d) Notwithstanding any other law, the riding of a bicycle on
33 paved paths or walkways that are on the grounds of the State
34 Capitol and that the Department of the California Highway Patrol
35 has designated as routes to access bicycle parking racks adjacent
36 to entrances to the State Capitol is permitted if the bicycle is ridden
37 in a manner that is reasonable and prudent, having due regard for
38 pedestrians, weather conditions, visibility, other traffic, and the
39 surface and width of the path or walkway.

1 SEC. 3. Section 29532.4 of the Government Code is amended
2 to read:

3 29532.4. (a) Notwithstanding subdivision (d) of Section 29532,
4 the county transportation commission created in the Counties of
5 Los Angeles, Orange, Riverside, and San Bernardino by Division
6 12 (commencing with Section 130000) of the Public Utilities Code
7 shall not be designated by the Director of Transportation as the
8 transportation planning agency for the area under its jurisdiction,
9 and the Imperial Valley Association of Governments in Imperial
10 County shall not be designated the transportation planning agency
11 for the area under its jurisdiction.

12 (b) Notwithstanding Section 29532, for the purposes of Chapter
13 4 (commencing with Section 99200) of Part 11 of Division 10 of
14 the Public Utilities Code, “transportation planning agency” means
15 the county transportation commission created in the Counties of
16 Los Angeles, Orange, Riverside, San Bernardino, and Ventura by
17 Division 12 (commencing with Section 130000) of the Public
18 Utilities Code, and also includes the County Transportation
19 Commission in Imperial County. The county auditor in each of
20 those counties shall pay to the public transportation entities in the
21 county the amounts allocated by the respective commissions or
22 that association of governments, as the case may be.

23 SEC. 4. Section 99155 of the Public Utilities Code is amended
24 to read:

25 99155. (a) Each transit operator, whether publicly or privately
26 funded all or in part, nonprofit or for profit, which offers reduced
27 fares to senior citizens shall honor the federal Medicare
28 identification card as sufficient identification to receive reduced
29 fares. A transit operator which offers reduced fares to those senior
30 citizens who are less than 65 years old shall also honor the senior
31 citizen identification card issued pursuant to subdivision (b) of
32 Section 13000 of the Vehicle Code.

33 (b) Each transit operator, whether publicly or privately funded,
34 in whole or in part, nonprofit or for profit, which offers reduced
35 fares pursuant to subdivision (a) shall also offer reduced fares to
36 disabled persons, as defined by Section 99206.5, disabled persons,
37 as defined by Section 295.5 of the Vehicle Code, and disabled
38 veterans, as defined by Section 295.7 of the Vehicle Code, at the
39 same rate established for senior citizens. A transit operator shall

1 honor the disabled person or disabled veteran placard identification
2 card issued pursuant to Section 22511.55 of the Vehicle Code.

3 (c) Every transit operator that offers reduced fares to disabled
4 persons shall honor any current identification card that is valid for
5 the type of transportation service or discount requested and that
6 has been issued to an individual with a disability by another transit
7 operator.

8 (d) This section also applies to any dial-a-ride, paratransit, or
9 nonfixed route operator which serves the disabled, but does not
10 apply to a private nonprofit entity which serves the disabled or
11 elderly.

12 (e) Nothing in this section prohibits a transit operator from
13 issuing its own identification card, except that no such card shall
14 be required to be presented in addition to either a federal Medicare
15 card or a card issued pursuant to Section 22511.55 of the Vehicle
16 Code.

17 (f) A transit operator, as defined in subdivision (b), which
18 receives funds pursuant to the Mills-Alquist-Deddeh Act (Chapter
19 4 (commencing with Section 99200)), shall not require that a
20 person requesting transportation be a resident of that transit
21 operator's service area.

22 SEC. 5. Section 99155.5 of the Public Utilities Code is
23 amended to read:

24 99155.5. (a) The Legislature intends that dial-a-ride and
25 paratransit services be accessible to disabled persons, as defined
26 in Section 99206.5. It is intended that transportation service be
27 provided for employment, education, medical, and personal
28 reasons. Transportation for individuals with disabilities is a
29 necessity, and allows these persons to fully participate in our
30 society.

31 The Legislature finds and declares that the term "paratransit,"
32 as used in the federal Americans with Disabilities Act of 1990
33 (Public Law 101-336), refers to transportation services with
34 specific criteria of quality and quantity, and which are required to
35 be made available to limited classes of persons based on eligibility
36 categories; this is often referred to as "ADA paratransit" or
37 "complementary paratransit." The Legislature finds and declares
38 that the terms "paratransit" and "dial-a-ride," as used in the laws
39 of this state, apply to a broader range of transportation services

1 and that not all individuals with disabilities under the laws of this
2 state are eligible for “ADA paratransit” under the federal law.

3 (b) Each transit operator, for profit or nonprofit, which provides,
4 or contracts for the provision of, dial-a-ride or paratransit service
5 for individuals with disabilities and which receives public funding
6 pursuant to the Mills-Alquist-Deddeh Act (Chapter 4 (commencing
7 with Section 99200)) for that service shall provide the service
8 without regard to either of the following:

9 (1) Whether the person is a member of a household which owns
10 a motor vehicle.

11 (2) Whether the place of residence of the person who requests
12 transportation service is within the service area of the provider.
13 To the extent that they are eligible for the specified service
14 requested, all persons requesting transportation service in the
15 service area of the provider shall be provided service on the same
16 terms and at the same price that service is provided to other persons
17 residing within the service area of the provider.

18 (c) Subdivision (b) does not preclude a provider from offering
19 a subscription service, and does not require a reduction in the
20 amount the provider charges other public or private agencies.

21 (d) Except as required by the federal Americans with Disabilities
22 Act of 1990 (Public Law 101-336) and federal regulations adopted
23 pursuant thereto or by higher standards prescribed by the laws of
24 this state, nothing in this section requires any transit operator which
25 provides service to individuals with disabilities in a manner
26 consistent with subdivision (b) to make those services available
27 outside the operator’s established operating service area, or requires
28 the operator to make the presentation of identification a condition
29 to using the service.

30 (e) A transit operator shall honor any current identification card
31 which is valid for the type of transportation service or discount
32 requested and which has been issued to an individual with
33 disabilities by another transit operator.

34 (f) Any person who believes an operator has violated Section
35 99155 or 99155.5 may file a report of the alleged violation with
36 the transportation planning agency or county transportation
37 commission. Any individual with disabilities may request the
38 Attorney General to resolve any dispute as to compliance with
39 Section 99155 or this section.

1 SEC. 6. Section 99206.5 of the Public Utilities Code is
2 amended to read:

3 99206.5. “Disabled person” means any individual who by
4 reason of illness, injury, age, congenital malfunction, or other
5 permanent or temporary incapacity or disability, including, but
6 not limited to, any individual confined to a wheelchair, is unable,
7 without special facilities or special planning or design, to utilize
8 public transportation facilities and services as effectively as a
9 person who is not so affected.

10 As used in this section, a temporary incapacity or disability is
11 an incapacity or a disability which lasts more than 90 days.

12 SEC. 7. Section 99207 of the Public Utilities Code is amended
13 to read:

14 99207. (a) “Included municipal operator” means a city or
15 county which is included, in whole or in part, within a transit
16 district or which has been extended the authority to join a transit
17 district by that district’s enabling legislation, and in which city or
18 county public transportation services have continuously been
19 provided, since at least January 1, 1971, by the city or county, by
20 a nonprofit corporation or other legal entity wholly owned by the
21 city or county, or by the University of California.

22 (b) “Included municipal operator” also means the City and
23 County of San Francisco and the Counties of Alameda and Contra
24 Costa with respect to any portion of the unincorporated area
25 thereof, and any city in those counties, which is outside the area
26 of the Alameda-Contra Costa Transit District and which is not
27 receiving adequate local public transportation services, as
28 determined by the Metropolitan Transportation Commission, from
29 any of the transit districts which includes the county or city, taking
30 into consideration, among other things, the amount of such services
31 needed in the county or city, the cost to provide such services, and
32 the amount of such services provided in other areas of the transit
33 district as compared to their needs.

34 (c) “Included municipal operator” also means any city within
35 the County of Sacramento which (1) is outside the activated
36 boundaries of the Sacramento Regional Transit District,
37 (2) contracts with the district for transit services, and (3) provides
38 local transit services within the city that the Sacramento Area
39 Council of Governments annually determines can be better
40 provided by the city than the district, taking into consideration,

1 among other things, the amount and the nature of the services
2 required in the city, the ability of the district to provide the services,
3 the coordination of the services with district services, the
4 remoteness of the city in relation to other district services, the cost
5 of providing the services, the funds available to provide the
6 services, and the amount of services provided in other areas of the
7 district compared to their needs.

8 (d) “Included municipal operator” also means any city or
9 unincorporated area within the County of Los Angeles (1) that is
10 not receiving adequate local public transportation services, as
11 determined by the Los Angeles County Metropolitan
12 Transportation Authority, from either the Southern California
13 Rapid Transit District or any currently “included municipal
14 operator” as defined in this section, and (2) that meets the criteria
15 established by the Los Angeles County Metropolitan Transportation
16 Authority, taking into consideration, among other things, the cost
17 to provide such services, the amount of such services needed in
18 the county or city, the funds available to provide such services,
19 and the amount of such services provided in other areas of the
20 county as compared to their needs.

21 SEC. 8. Section 99214 of the Public Utilities Code is amended
22 to read:

23 99214. (a) “Transportation planning agency” means the entity
24 designated in Section 29532 of the Government Code.

25 (b) “Transportation planning agency” also includes, for purposes
26 of this chapter, the county transportation commissions created in
27 the Counties of Los Angeles, Orange, Riverside, San Bernardino,
28 and Ventura pursuant to Division 12 (commencing with Section
29 130000).

30 (c) “Transportation planning agency” also includes, for purposes
31 of this chapter, the Imperial County Transportation Commission
32 in Imperial County.

33 SEC. 9. Section 99220 of the Public Utilities Code is amended
34 to read:

35 99220. The Legislature finds and declares as follows:

36 (a) Public transportation is an essential component of the
37 balanced transportation system which must be maintained and
38 developed so as to permit the efficient and orderly movement of
39 people and goods in the urban areas of the state. Because public
40 transportation systems provide an essential public service, it is

1 desirable that such systems be designed and operated in such a
2 manner as to encourage maximum utilization of the efficiencies
3 of the service for the benefit of the total transportation system of
4 the state and all the people of the state, including the elderly, the
5 disabled, the youth, and the citizens of limited means.

6 (b) The fostering, continuance, and development of public
7 transportation systems are a matter of state concern. Excessive
8 reliance on the private automobile for transportation has caused
9 air pollution and traffic congestion in California's urban areas, and
10 such pollution and congestion are not confined to single
11 incorporated areas but affect entire regions. Furthermore, public
12 transportation systems which are not designed so as to be usable
13 by disabled persons foster increased welfare costs and the waste
14 of human resources. Thus, the Legislature has elected to deal with
15 the multiple problems caused by lack of adequate public
16 transportation on a regional basis through the counties, with
17 coordination of the programs being the responsibility of the state
18 pursuant to contract with county governments.

19 (c) While providing county assistance to a particular
20 transportation system may not be of primary interest and benefit
21 to each and every taxpayer in a county, providing an integrated
22 and coordinated system to meet the public transportation needs of
23 an entire county will benefit the county as a whole. It is the purpose
24 of this chapter to provide for such systems in those counties where
25 they are needed.

26 (d) The local transportation funds authorized by Article 11
27 (commencing with Section 29530) of Chapter 2 of Division 3 of
28 Title 3 of the Government Code are made possible by the
29 imposition of the state's sales and use taxes on motor vehicle fuel,
30 which allows for a reduction in state taxes without a corresponding
31 loss in revenue. By authorizing counties to increase their sales and
32 use taxes, an additional source of revenue has been made available
33 for public transportation within such counties. Applicants for a
34 disbursement from a local transportation fund shall only be eligible
35 for an allocation from the fund of the county in which such
36 transportation is provided.

37 SEC. 10. Section 99233.12 of the Public Utilities Code is
38 amended to read:

39 99233.12. Notwithstanding anything in Sections 99233 to
40 99233.9, inclusive, to the contrary, the Solano Transportation

1 Authority may file a claim, and the transportation planning agency
2 may allocate, for the area representing the cumulative areas of the
3 authority's member agencies, up to 2.7 percent of annual revenues
4 for countywide transit planning and coordination purposes relative
5 to Solano County. Funds allocated to the authority pursuant to this
6 section shall be allocated after allocations are made pursuant to
7 Sections 99233.1 and 99233.2 but prior to other allocations.

8 SEC. 11. Section 99238 of the Public Utilities Code is amended
9 to read:

10 99238. Each transportation planning agency shall provide for
11 the establishment of a social services transportation advisory
12 council for each county, or counties operating under a joint powers
13 agreement, which is not subject to the apportionment restriction
14 established in Section 99232.

15 (a) The social services transportation advisory council shall
16 consist of the following members:

17 (1) One representative of potential transit users who is 60 years
18 of age or older.

19 (2) One representative of potential transit users who is disabled.

20 (3) Two representatives of the local social service providers for
21 seniors, including one representative of a social service
22 transportation provider, if one exists.

23 (4) Two representatives of local social service providers for the
24 disabled, including one representative of a social service
25 transportation provider, if one exists.

26 (5) One representative of a local social service provider for
27 persons of limited means.

28 (6) Two representatives from the local consolidated
29 transportation service agency, designated pursuant to subdivision
30 (a) of Section 15975 of the Government Code, if one exists,
31 including one representative from an operator, if one exists.

32 (7) The transportation planning agency may appoint additional
33 members in accordance with the procedure prescribed in
34 subdivision (b).

35 (b) Members of the social services transportation advisory
36 council shall be appointed by the transportation planning agency
37 which shall recruit candidates for appointment from a broad
38 representation of social service and transit providers representing
39 the elderly, the disabled, and persons of limited means. In
40 appointing council members, the transportation planning agency

1 shall strive to attain geographic and minority representation among
2 council members. Of the initial appointments to the council,
3 one-third of them shall be for a one-year term, one-third shall be
4 for a two-year term, and one-third shall be for a three-year term.
5 Subsequent to the initial appointment, the term of appointment
6 shall be for three years, which may be renewed for an additional
7 three-year term. The transportation planning agency may, at its
8 discretion, delegate its responsibilities for appointment pursuant
9 to this subdivision to the board of supervisors.

10 (c) The social services transportation advisory council shall
11 have the following responsibilities:

12 (1) Annually participate in the identification of transit needs in
13 the jurisdiction, including unmet transit needs that may exist within
14 the jurisdiction of the council and that may be reasonable to meet
15 by establishing or contracting for new public transportation or
16 specialized transportation services or by expanding existing
17 services.

18 (2) Annually review and recommend action by the transportation
19 planning agency for the area within the jurisdiction of the council
20 which finds, by resolution, that (A) there are no unmet transit
21 needs, (B) there are no unmet transit needs that are reasonable to
22 meet, or (C) there are unmet transit needs, including needs that
23 are reasonable to meet.

24 (3) Advise the transportation planning agency on any other
25 major transit issues, including the coordination and consolidation
26 of specialized transportation services.

27 (d) It is the intent of the Legislature that duplicative advisory
28 councils shall not be established where transit advisory councils
29 currently exist and that those existing advisory councils shall,
30 instead, become part of the social services transportation advisory
31 council and shall assume any new responsibilities pursuant to this
32 section.

33 SEC. 12. Section 99238.5 of the Public Utilities Code is
34 amended to read:

35 99238.5. (a) The transportation planning agency shall ensure
36 the establishment and implementation of a citizen participation
37 process appropriate for each county, or counties if operating under
38 a joint powers agreement, utilizing the social services transportation
39 advisory council as a mechanism to solicit the input of transit
40 dependent and transit disadvantaged persons, including the elderly,

1 disabled, and persons of limited means. The process shall include
2 provisions for at least one public hearing in the jurisdiction
3 represented by the social services transportation advisory council.
4 Hearings shall be scheduled to ensure broad community
5 participation and, if possible, the location of the hearings shall be
6 rotated among the various communities within the advisory
7 council's jurisdiction. Notice of the hearing, including the date,
8 place, and specific purpose of the hearing shall be given at least
9 30 days in advance through publication in a newspaper of general
10 circulation. The transportation planning agency shall also send
11 written notification to those persons and organizations which have
12 indicated, through its citizen participation or any other source of
13 information, an interest in the subject of the hearing.

14 (b) In addition to public hearings, the transportation planning
15 agency shall consider other methods of obtaining public feedback
16 on public transportation needs. Those methods may include, but
17 are not limited to, teleconferencing, questionnaires, telecanvassing,
18 and electronic mail.

19 SEC. 13. Section 99260.7 of the Public Utilities Code is
20 amended to read:

21 99260.7. In order to provide, or to contract to provide,
22 transportation services using vehicles for the exclusive use of
23 elderly or disabled persons, a city or a county, which is contributing
24 funds it is eligible to receive under this article to a joint powers
25 agency of which it is a member to operate a public transportation
26 system, may also file a claim under this article and may also file
27 a claim for funds made available pursuant to Section 99313.

28 SEC. 14. Section 99262 of the Public Utilities Code is amended
29 to read:

30 99262. Claims for public transportation systems may include
31 claims for money for all purposes necessary and convenient to the
32 development and operation of the system, including planning and
33 contributions to the transportation planning process, acquisition
34 of real property, construction of facilities and buildings, purchase
35 and replacement of vehicles (including those usable by disabled
36 persons), and system operation, maintenance, and repair, payment
37 for any of which purposes may take the form of direct expenditures
38 or payment of principal and interest on equipment trust certificates,
39 bonded or other indebtedness, or any amounts in accomplishment
40 of a defeasance of any outstanding revenue bond indenture.

1 SEC. 15. Section 99268.5 of the Public Utilities Code is
2 amended to read:

3 99268.5. (a) Commencing with claims for the 1980–81 fiscal
4 year, no funds shall be allocated under this article in any fiscal
5 year to an operator providing services using vehicles for the
6 exclusive use of elderly and disabled persons, unless the operator
7 maintains, for the fiscal year, a ratio of fare revenues to operating
8 cost, as defined by subdivision (a) of Section 99247, for those
9 services at least equal to one-tenth or to the ratio it had for those
10 services during the 1978–79 fiscal year, whichever is greater.

11 (b) Notwithstanding subdivision (a), an operator which provides
12 both exclusive transportation services for elderly and disabled
13 persons and regular scheduled public transportation services may
14 be allocated funds under this article for the exclusive service if the
15 combined services qualify under Section 99268.1, 99268.2,
16 99268.3, or 99268.4, as the case may be, and the ratio of fare
17 revenues to operating cost for the combined service shall not be
18 less than the ratio required in order to make allocations to the
19 operator for its regular scheduled services.

20 (c) In a county which had less than 500,000 population as
21 determined by the 1970 federal decennial census and more than
22 500,000 in population as determined by the 1980 or 1990 federal
23 decennial census, an operator in the county shall maintain a ratio
24 of fare revenues to operating cost, as defined by subdivision (a)
25 of Section 99247, at least equal to one-fifth if serving an urbanized
26 area or one-tenth if serving a nonurbanized area.

27 SEC. 16. Section 99285.2 of the Public Utilities Code is
28 amended to read:

29 99285.2. Notwithstanding subdivision (a) of Section 99285,
30 any county transportation commission created pursuant to Division
31 12 (commencing with Section 130000) may adopt a resolution
32 electing to approve the proposals to be funded and shall approve
33 only those claims submitted for its approval.

34 SEC. 17. Section 99401.5 of the Public Utilities Code is
35 amended to read:

36 99401.5. Prior to making any allocation not directly related to
37 public transportation services, specialized transportation services,
38 or facilities provided for the exclusive use of pedestrians and
39 bicycles, or any allocation for purposes of subdivision (f) of Section

1 99400, the transportation planning agency shall annually do all of
2 the following:

3 (a) Consult with the social services transportation advisory
4 council established pursuant to Section 99238.

5 (b) Identify the transit needs of the jurisdiction which have been
6 considered as part of the transportation planning process, including
7 the following:

8 (1) An annual assessment of the size and location of identifiable
9 groups likely to be transit dependent or transit disadvantaged,
10 including, but not limited to, the elderly, the disabled, including
11 individuals eligible for paratransit and other special transportation
12 services pursuant to Section 12143 of Title 42 of the United States
13 Code, the federal Americans with Disabilities Act of 1990 (42
14 U.S.C. Sec. 12101 et seq.), and persons of limited means, including,
15 but not limited to, recipients under the CalWORKs program.

16 (2) An analysis of the adequacy of existing public transportation
17 services and specialized transportation services, including privately
18 and publicly provided services necessary to implement the plan
19 prepared pursuant to Section 12143(c)(7) of Title 42 of the United
20 States Code, in meeting the transit demand identified pursuant to
21 paragraph (1).

22 (3) An analysis of the potential alternative public transportation
23 and specialized transportation services and service improvements
24 that would meet all or part of the transit demand.

25 (4) An analysis of the need to acquire or lease vans and related
26 equipment for a farmworker vanpool program pursuant to
27 subdivision (f) of Section 99400. This analysis is only required,
28 however, upon receipt by the transportation planning agency of a
29 request of an interested party identifying a potential need.

30 (c) Identify the unmet transit needs of the jurisdiction and those
31 needs that are reasonable to meet. The transportation planning
32 agency shall hold at least one public hearing pursuant to Section
33 99238.5 for the purpose of soliciting comments on the unmet transit
34 needs that may exist within the jurisdiction and that might be
35 reasonable to meet by establishing or contracting for new public
36 transportation or specialized transportation services or by
37 expanding existing services. The definition adopted by the
38 transportation planning agency for the terms “unmet transit needs”
39 and “reasonable to meet” shall be documented by resolution or in
40 the minutes of the agency. The fact that an identified transit need

1 cannot be fully met based on available resources shall not be the
2 sole reason for finding that a transit need is not reasonable to meet.
3 An agency's determination of needs that are reasonable to meet
4 shall not be made by comparing unmet transit needs with the need
5 for streets and roads.

6 (d) Adopt by resolution a finding for the jurisdiction, after
7 consideration of all available information compiled pursuant to
8 subdivisions (a), (b), and (c). The finding shall be that (1) there
9 are no unmet transit needs, (2) there are no unmet transit needs
10 that are reasonable to meet, or (3) there are unmet transit needs,
11 including needs that are reasonable to meet. The resolution shall
12 include information developed pursuant to subdivisions (a), (b),
13 and (c) which provides the basis for the finding.

14 (e) If the transportation planning agency adopts a finding that
15 there are unmet transit needs, including needs that are reasonable
16 to meet, then the unmet transit needs shall be funded before any
17 allocation is made for streets and roads within the jurisdiction.

18 (f) The transportation planning agency shall not allocate funds
19 for purposes of subdivision (f) of Section 99400 until all of the
20 capital and operating funds necessary to meet unmet transit needs
21 that are reasonable to meet are allocated. The transportation
22 planning agency shall not reduce funding to existing public
23 transportation services, specialized transportation services, or
24 facilities for the exclusive use of pedestrians and bicycles in order
25 to allocate funds for purposes of subdivision (f) of Section 99400.
26 The transportation planning agency shall not allocate funds under
27 subdivision (f) of Section 99400 if the allocation replaces other
28 federal, state, or local funds used to fund commuter vanpools by
29 a county, city, transportation planning agency, or transit district.

30 SEC. 18. Section 6480.1 of the Revenue and Taxation Code
31 is amended to read:

32 6480.1. (a) At any time that motor vehicle fuel tax or diesel
33 fuel tax is imposed or would be imposed, but for the dyed diesel
34 fuel exemption in paragraph (1) of subdivision (a) of Section
35 60100, or the train operator exemption in paragraph (7) of
36 subdivision (a) of Section 60100 or paragraph (11) of subdivision
37 (a) of Section 7401, or, pursuant to subdivision (f) of Section 6480,
38 would be deemed to be imposed, on any removal, entry, or sale in
39 this state of motor vehicle fuel, aircraft jet fuel, or diesel fuel, the
40 supplier shall collect prepayment of retail sales tax from the person

1 to whom the motor vehicle fuel, aircraft jet fuel, or diesel fuel is
2 sold. However, if no sale occurs at the time of imposition of motor
3 vehicle fuel tax or diesel fuel tax, the supplier shall prepay the
4 retail sales tax on that motor vehicle fuel, aircraft jet fuel, or diesel
5 fuel. The prepayment required to be collected by the supplier
6 constitutes a debt owed by the supplier to this state until paid to
7 the board, until satisfactory proof has been submitted to prove that
8 the retailer of the fuel has paid the retail sales tax to the board, or
9 until a supplier or wholesaler who has consumed the fuel has paid
10 the use tax to the board. Each supplier shall report and pay the
11 prepayment amounts to the board, in a form as prescribed by the
12 board, in the period in which the fuel is sold. On each subsequent
13 sale of that fuel, each seller, other than the retailer, shall collect
14 from his or her purchaser a prepayment computed using the rate
15 applicable at the time of sale. Each supplier shall provide his or
16 her purchaser with an invoice for, or other evidence of, the
17 collection of the prepayment amounts which shall be separately
18 stated thereon.

19 (b) (1) A wholesaler shall collect prepayment of the retail sales
20 tax from the person to whom the motor vehicle fuel, aircraft jet
21 fuel, or diesel fuel is sold. Each wholesaler shall provide his or
22 her purchaser with an invoice for or other evidence of the collection
23 of the prepayment amounts, which shall be separately stated
24 thereon.

25 (2) Each wholesaler shall report to the board, in a form as
26 prescribed by the board and for the period in which the motor
27 vehicle fuel, aircraft jet fuel, or diesel fuel was sold, all of the
28 following:

29 (A) The number of gallons of fuel sold and the amount of sales
30 tax prepayments collected by the wholesaler.

31 (B) The number of tax-paid gallons purchased and the amount
32 of sales tax prepayments made by the wholesaler.

33 (C) In the event that the amount of sales tax prepayments
34 collected by the wholesaler is greater than the amount of sales tax
35 prepayments made by the wholesaler, then the excess constitutes
36 a debt owed by the wholesaler to the state until paid to the board,
37 or until satisfactory proof has been submitted that the retailer of
38 the fuel has paid the tax to the board.

39 (c) A supplier or wholesaler who pays the prepayment and issues
40 a resale certificate to the seller, but subsequently consumes the

1 motor vehicle fuel, aircraft jet fuel, or diesel fuel, shall be entitled
2 to a credit against his or her sales and use taxes due and payable
3 for the period in which the prepayment was made, provided that
4 he or she reports and pays the use tax to the board on the
5 consumption of that fuel.

6 (d) The amount of a prepayment paid by the retailer or a supplier
7 or wholesaler who has consumed the motor vehicle fuel, aircraft
8 jet fuel, or diesel fuel to the seller from whom he or she acquired
9 the fuel shall constitute a credit against his or her sales and use
10 taxes due and payable for the period in which the sale was made.
11 Failure of the supplier or wholesaler to report prepayments or the
12 supplier's or wholesaler's failure to comply with any other duty
13 under this article shall not constitute grounds for denial of the
14 credit to the retailer, supplier, or wholesaler, either on a temporary
15 or permanent basis or otherwise. To be entitled to the credit, the
16 retailer, supplier, or wholesaler shall retain for inspection by the
17 board any receipts, invoices, or other documents showing the
18 amount of sales tax prepaid to his or her supplier, together with
19 the evidence of payment.

20 (e) The rate of the prepayment required to be collected during
21 the period from July 1, 1986, through March 31, 1987, shall be
22 four cents (\$0.04) per gallon of motor vehicle fuel distributed or
23 transferred.

24 (f) The rate of prepayment required to be collected for motor
25 vehicle fuel, aircraft jet fuel, and diesel fuel as established by the
26 board in effect on January 1, 2013, shall remain in effect through
27 June 30, 2013.

28 (g) On July 1 of each succeeding year, the prepayment rate per
29 gallon for motor vehicle fuel, rounded to the nearest one-half of
30 one cent (\$0.005), of the required prepayment shall be established
31 by the board based upon 80 percent of the combined state and local
32 sales tax rate established by Sections 6051, 6051.2, 6051.3, 6051.5,
33 7202, and 7203.1, and Section 35 of Article XIII of the California
34 Constitution on the arithmetic average selling price (excluding
35 sales tax) as reported by an industry publication of all grades of
36 gasoline sold through a self-service gasoline station. The board
37 shall make its determination of the rate no later than March 1 of
38 the same year as the effective date of the new rate. Immediately
39 upon making its determination and setting of the rate, the board
40 shall each year, no later than May 1, notify every supplier,

1 wholesaler, and retailer of motor vehicle fuel. In the event the price
2 of fuel decreases or increases or an exemption from sales tax for
3 sales of fuel is enacted, and the established rate results in or could
4 result in prepayments which consistently exceed or are significantly
5 lower than the retailers' sales tax liability, the board may readjust
6 the rate.

7 (h) On July 1 of each succeeding year, the prepayment rate per
8 gallon for aircraft jet fuel, rounded to the nearest one-half of one
9 cent (\$0.005), shall be established by the board based upon 80
10 percent of the combined state and local sales tax rate established
11 by Sections 6051, 6051.2, 6051.3, 6051.5, 7202, and 7203.1, and
12 Section 35 of Article XIII of the California Constitution on the
13 arithmetic average selling price (excluding sales and state excise
14 taxes) as determined by the board. The board shall make its
15 determination of the rate no later than March 1 of the year prior
16 to the effective date of the new rate. The rate of the prepayment
17 required to be collected for aircraft jet fuel shall be equal to 80
18 percent of the arithmetic average selling price of aircraft jet fuel
19 as specified by industry publications. Immediately upon making
20 its determination and setting of the rate, the board shall each year,
21 no later than May 1, notify every supplier, wholesaler, and retailer
22 of aircraft jet fuel. In the event the price of aircraft jet fuel
23 decreases or increases, and the established rate results in
24 prepayments that consistently exceed or are significantly lower
25 than the retailers' sales tax liability, the board may readjust the
26 rate.

27 (i) On July 1 of each succeeding year, the prepayment rate per
28 gallon for diesel fuel, rounded to the nearest one-half of one cent
29 (\$0.005), shall be established by the board based upon 80 percent
30 of the combined state and local sales tax rate established by
31 Sections 6051, 6051.2, 6051.3, 6051.5, 6051.8, 7202, and 7203.1,
32 and Section 35 of Article XIII of the California Constitution on
33 the arithmetic average selling price (excluding sales and state
34 excise taxes) as determined by the board. The board shall make
35 its determination of the rate no later than March 1 of the same year
36 as the effective date of the new rate. The rate of the prepayment
37 required to be collected for diesel fuel shall be equal to 80 percent
38 of the arithmetic average selling price of diesel fuel as specified
39 by industry publications. Immediately upon making its
40 determination and setting of the rate, the board shall each year, no

1 later than May 1, notify every supplier, wholesaler, and retailer of
2 diesel fuel. In the event the rate of sales tax imposed on sales of
3 diesel fuel increases or decreases or the price of diesel fuel
4 decreases or increases, and the established rate results in or could
5 result in prepayments that consistently exceed or are significantly
6 lower than the retailers' sales tax liability, the board may readjust
7 the rate.

8 (j) (1) Notwithstanding any other provision of this section,
9 motor vehicle fuel sold by a supplier or wholesaler to a qualified
10 purchaser who, pursuant to a contract with the State of California
11 or its instrumentalities, resells that fuel to the State of California
12 or its instrumentalities shall be exempt from the prepayment
13 requirements.

14 (2) A qualified purchaser who acquires motor vehicle fuel for
15 subsequent resale to the State of California or its instrumentalities
16 pursuant to this subdivision shall furnish to the supplier or
17 wholesaler from whom the fuel is acquired an exemption
18 certificate, completed in accordance with any instructions or
19 regulations as the board may prescribe. The supplier or wholesaler
20 shall retain the certificate in his or her records in support of the
21 exemption. To qualify for the prepayment exemption, both of the
22 following conditions shall apply:

23 (A) The qualified purchaser does not take possession of the fuel
24 at any time.

25 (B) The fuel is delivered into storage tanks owned or leased by
26 the State of California or its instrumentalities via facilities of the
27 supplier or wholesaler, or by common or contract carriers under
28 contract with the supplier or wholesaler.

29 (3) For purposes of this subdivision, "qualified purchaser" means
30 a wholesaler who does not have or maintain a storage facility or
31 facilities for the purpose of selling motor vehicle fuel.

32 SEC. 19. Section 60116 of the Revenue and Taxation Code is
33 amended to read:

34 60116. (a) Commencing January 1, 1998, and on each January
35 1 up to and including January 1, 2013, the board shall establish a
36 tax rate per gallon, rounded to the nearest one-tenth of a cent
37 (\$0.001), by multiplying the average retail price per gallon
38 (including the federal excise tax and excluding the state excise tax
39 and the sales and use tax) of diesel fuel sold in this state by a
40 percentage equal to the combined state and local sales tax rate

1 established by Part 1 (commencing with Section 6001) and Part
2 1.5 (commencing with Section 7200) of Division 2 of the Revenue
3 and Taxation Code and Section 35 of Article XIII of the California
4 Constitution. The average retail price per gallon shall be the
5 average of weekly retail prices for the 12-month period ending
6 August 31 of the year prior to the effective date of the new rate.
7 In determining the average retail price per gallon, the board shall
8 use the weekly average retail price published by the State Energy
9 Resources Conservation and Development Commission, in its
10 publication "Fuel Price And Supply Update." In the event the "Fuel
11 Price And Supply Update" is delayed or discontinued, the board
12 may base its determination on other sources of the average retail
13 price of diesel fuel. The board shall make its determination of the
14 rate no later than October 1 of the year prior to the effective date
15 of the new rate.

16 (b) The tax rate established by the board on January 1, 2013,
17 shall remain in effect only through June 30, 2013.

18 (c) Commencing on July 1, 2013, and on each July 1 thereafter,
19 the board shall establish a tax rate per gallon, rounded to the nearest
20 one-tenth of one cent (\$0.001), by multiplying the average retail
21 price per gallon (including the federal excise tax and excluding
22 the state excise tax and the sales and use tax) of diesel fuel sold in
23 this state by a percentage equal to the combined state and local
24 sales tax rate established by Part 1 (commencing with Section
25 6001) and Part 1.5 (commencing with Section 7200) of Division
26 2 of the Revenue and Taxation Code and Section 35 of Article
27 XIII of the California Constitution. The average retail price per
28 gallon shall be the average of weekly retail prices for the 12-month
29 period ending on the last day of January prior to the effective date
30 of the new rate. In determining the average retail price per gallon,
31 the board shall use the weekly average retail price as reported by
32 the United States Energy Information Administration (EIA). In
33 the event the EIA information is delayed or discontinued, the board
34 may base its determination on other sources of the average retail
35 price of diesel fuel. The board shall make its determination of the
36 rate no later than March 1 of the same year as the effective date
37 of the new rate.

38 SEC. 20. Section 349 of the Streets and Highways Code is
39 amended to read:

40 349. (a) Route 49 is from:

- 1 (1) Route 41 near Oakhurst to Route 140 at Mariposa.
- 2 (2) Route 140 at Mariposa to Route 120 near Moccasin.
- 3 (3) Route 120 near Chinese Camp to Route 80 near Auburn via
- 4 the vicinity of Sonora; via Angels Camp, San Andreas, and
- 5 Jackson; and via the vicinity of El Dorado, Diamond Springs, and
- 6 Placerville.
- 7 (4) Route 80 near Auburn to Route 20 in Grass Valley.
- 8 (5) Route 20 at Nevada City to Route 89 near Sattley via
- 9 Downieville.
- 10 (6) Route 89 near Sierraville to Route 70 near Vinton via
- 11 Loyalton.
- 12 (b) The relinquished former portion of Route 49 within the City
- 13 of Auburn is not a state highway and is not eligible for adoption
- 14 under Section 81. For the relinquished former portion of Route
- 15 49, the City of Auburn shall maintain within its jurisdiction signs
- 16 directing motorists to the continuation of Route 49 and shall ensure
- 17 the continuity of traffic flow on the relinquished portion of Route
- 18 49, including any traffic signal progression. The city may apply
- 19 to the department for approval of a business route designation in
- 20 accordance with Chapter 20, Topic 21, of the Highway Design
- 21 Manual.
- 22 SEC. 21. Section 366 of the Streets and Highways Code is
- 23 amended to read:
- 24 366. (a) Route 66 is from:
- 25 (1) Route 210 near San Dimas to the Los Angeles-San
- 26 Bernardino county line at the western city limit of the City of
- 27 Upland.
- 28 (2) The eastern city limit of the City of Fontana near Maple
- 29 Avenue to Route 215 in San Bernardino.
- 30 (b) The relinquished former portions of Route 66 within the city
- 31 limits of the Cities of Fontana, Rancho Cucamonga, *Rialto*, and
- 32 Upland are not state highways and are not eligible for adoption
- 33 under Section 81. For the portions of Route 66 relinquished under
- 34 this section, the Cities of Fontana, Rancho Cucamonga, Rialto,
- 35 and Upland shall maintain within their respective jurisdictions
- 36 signs directing motorists to the continuation of Route 66 and shall
- 37 ensure the continuity of traffic flow on the relinquished portions
- 38 of Route 66, including any traffic signal progression.
- 39 (c) (1) Notwithstanding subdivision (a), the commission may
- 40 relinquish to the City of Claremont the portion of Route 66 that is

1 located within the city limits or the sphere of influence of the city,
2 upon terms and conditions the commission finds to be in the best
3 interests of the state.

4 (2) A relinquishment under this subdivision shall become
5 effective immediately following the recordation by the county
6 recorder of the relinquishment resolution containing the
7 commission's approval of the terms and conditions of the
8 relinquishment.

9 (3) On and after the effective date of the relinquishment, both
10 of the following shall occur:

11 (A) The portion of Route 66 relinquished under this subdivision
12 shall cease to be a state highway.

13 (B) The portion of Route 66 relinquished under this subdivision
14 may not be considered for future adoption under Section 81.

15 (4) The City of Claremont shall ensure the continuity of traffic
16 flow on the relinquished portion of Route 66, including any traffic
17 signal progression.

18 (5) For the relinquished portion of Route 66, the City of
19 Claremont shall maintain signs directing motorists to the
20 continuation of Route 66.

21 SEC. 22. Section 374 of the Streets and Highways Code is
22 amended to read:

23 374. (a) Route 74 is from:

24 (1) Route 5 near San Juan Capistrano to Route 15 near Lake
25 Elsinore.

26 (2) Route 15 near Lake Elsinore to Route 215 near Perris.

27 (3) Route 215 near Perris to the southern city limit of Palm
28 Desert.

29 (4) Highway 111 in Palm Desert to Route 10 near Thousand
30 Palms.

31 (b) The relinquished former portions of Route 74 within the
32 Cities of Palm Desert and Perris are not state highways and are
33 not eligible for adoption under Section 81. For the relinquished
34 former portions of Route 74, the Cities of Palm Desert and Perris
35 shall maintain within their respective jurisdictions signs directing
36 motorists to the continuation of Route 74 and shall ensure the
37 continuity of traffic flow on the relinquished portions of Route 74,
38 including any traffic signal progression.

39 (c) (1) The commission may relinquish to the City of Lake
40 Elsinore the portion of Route 74 located within the city limits of

1 that city, upon terms and conditions the commission finds to be
2 in the best interests of the state.

3 (2) Any relinquishment agreement shall require that the City of
4 Lake Elsinore administer the operation and maintenance of the
5 highway in a manner consistent with professional traffic
6 engineering standards.

7 (3) Any relinquishment agreement shall require the City of Lake
8 Elsinore to ensure that appropriate traffic studies or analyses will
9 be performed to substantiate any decisions affecting the highway.

10 (4) Any relinquishment agreement shall also require the City
11 of Lake Elsinore to provide for public notice and the consideration
12 of public input on the proximate effects of any proposed decision
13 on traffic flow, residences, or businesses, other than a decision on
14 routine maintenance.

15 (5) Notwithstanding any of its other terms, any relinquishment
16 agreement shall require the City of Lake Elsinore to indemnify
17 and hold the department harmless from any liability for any claims
18 made or damages suffered by any person, including a public entity,
19 as a result of any decision made or action taken by the City of Lake
20 Elsinore, its officers, employees, contractors, or agents, with
21 respect to the design, maintenance, construction, or operation of
22 that portion of Route 74 that is to be relinquished to the city.

23 (6) A relinquishment under this subdivision shall become
24 effective immediately after the county recorder records the
25 relinquishment resolution that contains the commission's approval
26 of the terms and conditions of the relinquishment.

27 (7) On and after the effective date of the relinquishment, both
28 of the following shall occur:

29 (A) The portion of Route 74 relinquished shall cease to be a
30 state highway.

31 (B) The portion of Route 74 relinquished may not be considered
32 for future adoption under Section 81.

33 (8) The City of Lake Elsinore shall ensure the continuity of
34 traffic flow on the relinquished portion of Route 74, including any
35 traffic signal progression.

36 (9) For relinquished portions of Route 74, the City of Lake
37 Elsinore shall maintain signs directing motorists to the continuation
38 of Route 74.

39 SEC. 23. Section 392 of the Streets and Highways Code is
40 amended to read:

1 392. (a) Route 92 is from:

2 (1) Route 1 near Half Moon Bay to Route 280.

3 (2) Route 280 to Route 580 near Castro Valley and Hayward.

4 (b) The relinquished former portion of Route 92 within the City
5 of Hayward is not a state highway and is not eligible for adoption
6 under Section 81. For the relinquished former portion of Route
7 92, the City of Hayward shall maintain within its jurisdiction signs
8 directing motorists to the continuation of Route 92 or to the state
9 highway system, as applicable, and shall ensure the continuity of
10 traffic flow on the relinquished portion of Route 92, including any
11 traffic signal progression.

12 SEC. 24. Section 410 of the Streets and Highways Code, as
13 amended by Section 30 of Chapter 525 of the Statutes of 2003, is
14 amended to read:

15 410. (a) Route 110 is from Route 47 in San Pedro to Glenarm
16 Street in Pasadena.

17 (b) The relinquished former portions of Route 110 that are
18 located between 9th Street and Gaffey Street in the City of Los
19 Angeles and Glenarm Street and Colorado Boulevard in Pasadena
20 are not state highways and are not eligible for adoption under
21 Section 81. For the relinquished former portions of Route 110, the
22 Cities of Los Angeles and Pasadena shall maintain within their
23 respective jurisdictions signs directing motorists to the continuation
24 of Route 110 and shall ensure the continuity of traffic flow on the
25 relinquished portion of Route 110, including any traffic signal
26 progression.

27 SEC. 25. Section 410 of the Streets and Highways Code, as
28 added by Section 1 of Chapter 669 of the Statutes of 2008, is
29 repealed.

30 SEC. 26. Section 411 of the Streets and Highways Code is
31 amended to read:

32 411. (a) Route 111 is from:

33 (1) The international border south of Calexico to Route 78 near
34 Brawley, passing east of Heber.

35 (2) Route 78 near Brawley to Route 86 via the north shore of
36 the Salton Sea.

37 (3) The western city limits of Cathedral City to Route 10 near
38 Whitewater.

39 (b) The relinquished former portions of Route 111 ~~in the County~~
40 ~~of Riverside~~ within the Cities of Cathedral City, Coachella, Indian

1 Wells, Indio, La Quinta, Palm Desert, and Rancho Mirage are not
2 state highways and are not eligible for adoption under Section 81.
3 For the relinquished former portions of Route 111 ~~in the County~~
4 ~~of Riverside~~, the Cities of Cathedral City, Coachella, Indian Wells,
5 Indio, La Quinta, and Palm Desert, as applicable, shall maintain
6 within their respective jurisdictions signs directing motorists to
7 the continuation of Route 111 and shall ensure the continuity of
8 traffic flow on the relinquished portions of Route 111, including
9 any traffic signal progression.

10 SEC. 27. Section 446 of the Streets and Highways Code is
11 amended to read:

12 446. (a) Route 146 is from:

13 (1) Route 101 near Soledad to Pinnacles National Monument.

14 (2) Pinnacles National Monument to Route 25 in Bear Valley.

15 (b) The relinquished former portion of Route 146 within the
16 City of Soledad is not a state highway and is not eligible for
17 adoption under Section 81. For the relinquished former portion of
18 Route 146, the City of Soledad shall maintain within its jurisdiction
19 signs directing motorists to the continuation of Route 146 until
20 the entire route has been relinquished and shall ensure the
21 continuity of traffic flow on the relinquished portion of Route 146,
22 including any traffic signal progression.

23 (1) Notwithstanding subdivision (a), the commission may
24 relinquish to the County of Monterey the portion of Route 146
25 within the limits of that county, upon terms and conditions the
26 commission finds to be in the best interests of the state.

27 (2) Notwithstanding subdivision (a), the commission may
28 relinquish to the County of San Benito the portion of Route 146
29 within the limits of that county, upon terms and conditions the
30 commission finds to be in the best interests of the state.

31 (3) A relinquishment under this subdivision shall become
32 effective immediately after the county recorder records the
33 relinquishment resolution that contains the commission's approval
34 of the terms and conditions of the relinquishment.

35 (4) On and after the effective date of the relinquishment, that
36 portion of Route 146 relinquished shall cease to be a state highway
37 and may not be considered for future adoption under Section 81.

38 (5) For portions of Route 146 relinquished under this
39 subdivision, the Counties of Monterey and San Benito shall
40 maintain within their jurisdiction signs directing motorists to the

1 continuation of Route 146 until the entire route has been
2 relinquished.

3 SEC. 28. Section 452 of the Streets and Highways Code is
4 amended to read:

5 452. Route 152 is from:

6 (a) Route 1 near Watsonville via Hecker Pass to Route 101 in
7 Gilroy.

8 (b) Route 101 near Gilroy to Route 65 near Sharon via Pacheco
9 Pass.

10 (c) The commission may relinquish to the City of Watsonville
11 the portion of Route 152, beginning at Route 1 and ending at
12 Beverly Drive or some segment thereof, within the city limits of
13 the City of Watsonville, upon terms and conditions the commission
14 finds to be in the best interests of the state.

15 (d) A relinquishment under this section shall become effective
16 immediately following the county recorder's recordation of the
17 relinquishment resolution containing the commission's approval
18 of the terms and conditions of the relinquishment.

19 (e) On and after the effective date of the relinquishment, both
20 of the following shall occur:

21 (1) The portion of Route 152 relinquished under this section
22 shall cease to be a state highway.

23 (2) The portion of Route 152 relinquished under this section
24 shall be ineligible for future adoption under Section 81.

25 (f) The City of Watsonville shall ensure the continuity of traffic
26 flow on the relinquished portions of Route 152, including, but not
27 limited to, any traffic signal progression.

28 (g) For those portions of Route 152 that are relinquished, the
29 City of Watsonville shall maintain within its jurisdiction signs
30 directing motorists to the continuation of Route 152.

31 SEC. 29. Section 478 of the Streets and Highways Code is
32 amended to read:

33 478. (a) Route 178 is from:

34 (1) Bakersfield to Route 14 near Freeman via Walker Pass.

35 (2) Route 14 near Freeman to Route 127.

36 (3) Route 127 to the Nevada state line in Pahrump Valley.

37 (b) The relinquished former portion of Route 178 within the
38 City of Bakersfield is not a state highway and is not eligible for
39 adoption under Section 81. For the relinquished former portion of
40 Route 178, the City of Bakersfield shall install and maintain within

1 its jurisdiction signs directing motorists to the continuation of
2 Route 178 and shall ensure the continuity of traffic flow on the
3 relinquished portion of Route 178, including any traffic signal
4 progression.

5 SEC. 30. Section 485 of the Streets and Highways Code is
6 amended to read:

7 485. (a) Route 185 is from Route 92 in Hayward to Route 77
8 in Oakland.

9 (b) The relinquished former portion of Route 185 within the
10 City of Hayward is not a state highway and is not eligible for
11 adoption under Section 81. For the relinquished former portion of
12 Route 185, the City of Hayward shall maintain within its
13 jurisdiction signs directing motorists to the continuation of Route
14 185 or to the state highway system, as applicable, and shall ensure
15 the continuity of traffic flow on the relinquished portion of Route
16 185, including any traffic signal progression.

17 SEC. 31. Section 493 of the Streets and Highways Code is
18 amended to read:

19 493. (a) Route 193 is from:

20 (1) Route 65 near Lincoln to Route 80 near Newcastle.

21 (2) Route 49 near Cool to Route 49 near Placerville via
22 Georgetown.

23 (b) The relinquished former portion of Route 193 within the
24 City of Lincoln is not a state highway and is not eligible for
25 adoption under Section 81. For the relinquished former portion of
26 Route 193, the City of Lincoln shall install and maintain within
27 its jurisdiction signs directing motorists to the continuation of
28 Route 193 to the east and to Routes 65 and 80 to the west and shall
29 ensure the continuity of traffic flow on the relinquished portion of
30 Route 193, including any traffic signal progression. The city may
31 apply to the department for approval of a business route designation
32 in accordance with Chapter 20, Topic 21, of the Highway Design
33 Manual.

34 SEC. 32. Section 527 of the Streets and Highways Code is
35 amended to read:

36 527. (a) Route 227 is from Route 1 south of Oceano to Route
37 101 in San Luis Obispo.

38 (b) The relinquished former portions of Route 227 within the
39 Cities of Arroyo Grande and San Luis Obispo are not state
40 highways and are not eligible for adoption under Section 81. For

1 the relinquished former portion of Route 227, the Cities of San
2 Luis Obispo and Arroyo Grande shall maintain within their
3 respective jurisdictions signs directing motorists to the continuation
4 of Route 227 and shall ensure the continuity of traffic flow on the
5 relinquished portion of Route 227, including any traffic signal
6 progression.

7 SEC. 33. Section 538 of the Streets and Highways Code is
8 amended to read:

9 538. (a) Route 238 is from Route 680 in Fremont to Route 61
10 near San Lorenzo via Hayward.

11 (b) The relinquished former portion of Route 238 within the
12 City of Hayward is not a state highway and is not eligible for
13 adoption under Section 81. For the relinquished former portion of
14 Route 238, the City of Hayward shall maintain within its
15 jurisdiction signs directing motorists to the continuation of Route
16 238 or to the state highway system, as applicable, and shall ensure
17 the continuity of traffic flow on the relinquished portion of Route
18 238, including any traffic signal progression.

19 SEC. 34. Section 5201 of the Vehicle Code is amended to read:

20 5201. License plates shall at all times be securely fastened to
21 the vehicle for which they are issued so as to prevent the plates
22 from swinging, shall be mounted in a position so as to be clearly
23 visible, and so that the characters are upright and display from left
24 to right, and shall be maintained in a condition so as to be clearly
25 legible. The rear license plate shall be mounted not less than 12
26 inches nor more than 60 inches from the ground, and the front
27 license plate shall be mounted not more than 60 inches from the
28 ground, except as follows:

29 (a) The rear license plate on a tow truck or reposessor's tow
30 vehicle may be mounted on the left-hand side of the mast assembly
31 at the rear of the cab of the vehicle, not less than 12 inches nor
32 more than 90 inches from the ground.

33 (b) The rear license plate on a tank vehicle hauling hazardous
34 waste, as defined in Section 25117 of the Health and Safety Code,
35 or asphalt material may be mounted not less than 12 inches nor
36 more than 90 inches from the ground.

37 (c) The rear license plate on a truck tractor may be mounted at
38 the rear of the cab of the vehicle, but not less than 12 inches nor
39 more than 90 inches from the ground.

(d) The rear license plate of a vehicle designed by the manufacturer for the collection and transportation of garbage, rubbish, or refuse that is used regularly for the collection and transportation of that material by a person or governmental entity employed to collect, transport, and dispose of garbage, rubbish, or refuse may be mounted not less than 12 inches nor more than 90 inches from the ground.

(e) The rear license plate on a two-axle livestock trailer may be mounted 12 inches or more, but not more than 90 inches, from the ground.

(f) (1) The rear license plate on a dump bed motortruck equipped with a trailing, load bearing swing axle shall be mounted more than 12 inches, but not more than 107 inches, from the ground.

(2) As used in this section, a trailing, load bearing swing axle is an axle which can be moved from a raised position to a position behind the vehicle that allows for the transfer of a portion of the weight of the vehicle and load to the trailing axle.

~~(f)~~

(g) A covering shall not be used on license plates except as follows:

(1) The installation of a cover over a lawfully parked vehicle to protect it from the weather and the elements does not constitute a violation of this subdivision. A peace officer or other regularly salaried employee of a public agency designated to enforce laws, including local ordinances, relating to the parking of vehicles may temporarily remove so much of the cover as is necessary to inspect any license plate, tab, or indicia of registration on a vehicle.

(2) The installation of a license plate security cover is not a violation of this subdivision if the device does not obstruct or impair the recognition of the license plate information, including, but not limited to, the issuing state, license plate number, and registration tabs, and the cover is limited to the area directly over the top of the registration tabs. No portion of a license plate security cover shall rest over the license plate number.

~~(g)~~

(h) A casing, shield, frame, border, product, or other device that obstructs or impairs the reading or recognition of a license plate by an electronic device operated by state or local law enforcement, an electronic device operated in connection with a toll road,

1 high-occupancy toll lane, toll bridge, or other toll facility, or a
2 remote emission sensing device, as specified in Sections 44081
3 and 44081.6 of the Health and Safety Code, shall not be installed
4 on, or affixed to, a vehicle.

5 ~~(h)~~

6 (i) (1) It is the intent of the Legislature that an accommodation
7 be made to persons with disabilities and to those persons who
8 regularly transport persons with disabilities, to allow the removal
9 and relocation of wheelchair lifts and wheelchair carriers without
10 the necessity of removing and reattaching the vehicle's rear license
11 plate. Therefore, it is not a violation of this section if the reading
12 or recognition of a rear license plate is obstructed or impaired by
13 a wheelchair lift or wheelchair carrier and all of the following
14 requirements are met:

15 (A) The owner of the vehicle has been issued a special
16 identification license plate pursuant to Section 5007, or the person
17 using the wheelchair that is carried on the vehicle has been issued
18 a distinguishing placard under Section 22511.55.

19 (B) (i) The operator of the vehicle displays a decal, designed
20 and issued by the department, that contains the license plate number
21 assigned to the vehicle transporting the wheelchair.

22 (ii) The decal is displayed on the rear window of the vehicle,
23 in a location determined by the department, in consultation with
24 the Department of the California Highway Patrol, so as to be clearly
25 visible to law enforcement.

26 (2) Notwithstanding any other law, if a decal is displayed
27 pursuant to this subdivision, the requirements of this code that
28 require the illumination of the license plate and the license plate
29 number do not apply.

30 (3) The department shall adopt regulations governing the
31 procedures for accepting and approving applications for decals,
32 and issuing decals, authorized by this subdivision.

33 (4) This subdivision does not apply to a front license plate.

34 ~~SEC. 34.~~

35 *SEC. 35.* Section 22112 of the Vehicle Code is amended to
36 read:

37 22112. (a) On approach to a schoolbus stop where pupils are
38 loading or unloading from a schoolbus, the schoolbus driver shall
39 activate an approved amber warning light system, if the schoolbus
40 is so equipped, beginning 200 feet before the schoolbus stop. The

1 schoolbus driver shall deactivate the amber warning light system
2 after reaching the schoolbus stop. The schoolbus driver shall
3 operate the flashing red light signal system and stop signal arm,
4 as required on the schoolbus, at all times when the schoolbus is
5 stopped for the purpose of loading or unloading pupils. The
6 flashing red light signal system, amber warning lights system, and
7 stop signal arm shall not be operated at any place where traffic is
8 controlled by a traffic officer or at any location identified in
9 subdivision (e) of this section. The schoolbus flashing red light
10 signal system, amber warning lights system, and stop signal arm
11 shall not be operated at any other time.

12 (b) The schoolbus driver shall stop to load or unload pupils only
13 at a schoolbus stop designated for pupils by the school district
14 superintendent or the director, head, or principal of a private school,
15 or authorized by any of those individuals for school activity trips.

16 (c) When a schoolbus is stopped on a highway or private road
17 for the purpose of loading or unloading pupils, at a location where
18 traffic is not controlled by a traffic officer, the driver shall, before
19 opening the door, ensure that the flashing red light signal system
20 and stop signal arm are activated, and that it is safe to enter or exit
21 the schoolbus.

22 (d) When a schoolbus is stopped on a highway or private road
23 for the purpose of loading or unloading pupils, at a location where
24 traffic is not controlled by a traffic officer or official traffic control
25 signal, the schoolbus driver shall do all of the following:

26 (1) Escort all pupils in prekindergarten, kindergarten, or any of
27 grades 1 to 8, inclusive, who need to cross the highway or private
28 road upon which the schoolbus is stopped. The driver shall use an
29 approved hand-held “STOP” sign while escorting all pupils.

30 (2) Require all pupils who need to cross the highway or private
31 road upon which the schoolbus is stopped to walk in front of the
32 bus as they cross.

33 (3) Ensure that all pupils who need to cross the highway or
34 private road upon which the schoolbus is stopped have crossed
35 safely, and that all other pupils and pedestrians are a safe distance
36 from the schoolbus before setting the schoolbus in motion.

37 (e) Except at a location where pupils are loading or unloading
38 from a schoolbus and must cross a highway or private road upon
39 which the schoolbus is stopped, the schoolbus driver may not

1 activate the amber warning light system, the flashing red light
2 signal system and stop signal arm at any of the following locations:

3 (1) Schoolbus loading zones on or adjacent to school grounds
4 or during an activity trip, if the schoolbus is lawfully stopped or
5 parked.

6 (2) Where the schoolbus is disabled due to mechanical
7 breakdown. The driver of a relief bus that arrives at the scene to
8 transport pupils from the disabled schoolbus shall not activate the
9 amber warning light system, the flashing red light system, and stop
10 signal arm.

11 (3) Where a pupil requires physical assistance from the driver
12 or authorized attendant to board or leave the schoolbus and
13 providing the assistance extends the length of time the schoolbus
14 is stopped beyond the time required to load or unload a pupil that
15 does not require physical assistance.

16 (4) Where the roadway surface on which the bus is stopped is
17 partially or completely covered by snow or ice and requiring traffic
18 to stop would pose a safety hazard as determined by the schoolbus
19 motor carrier.

20 (5) On a state highway with a posted speed limit of 55 miles
21 per hour or higher where the schoolbus is completely off the main
22 traveled portion of the highway.

23 (6) Any location determined by a school district or a private
24 school, with the approval of the Department of the California
25 Highway Patrol, to present a traffic or safety hazard.

26 (f) Notwithstanding subdivisions (a) to (d), inclusive, the
27 Department of the California Highway Patrol may require the
28 activation of an approved flashing amber warning light system, if
29 the schoolbus is so equipped, or the flashing red light signal system
30 and stop signal arm, as required on the schoolbus, at any location
31 where the department determines that the activation is necessary
32 for the safety of school pupils loading or unloading from a
33 schoolbus.

34 ~~SEC. 35.~~

35 *SEC. 36.* Section 22500.5 of the Vehicle Code is amended to
36 read:

37 22500.5. Upon agreement between a transit system operating
38 buses engaged as common carriers in local transportation and a
39 public school district or private school, local authorities may, by
40 ordinance, permit schoolbuses owned by, or operated under

1 contract for, that public school district or private school to stop
2 for the loading or unloading of passengers alongside any or all
3 curb spaces designated for the loading or unloading of passengers
4 of the transit system buses. A schoolbus stop, permitted pursuant
5 to this section, shall be designated by a school district
6 superintendent or principal, head, or director of a private school
7 and is subject to Section 22112 and subdivision (c) of Section
8 22504. A permitted schoolbus stop shall not be designated at a
9 location otherwise prohibited by law, or at a location as specified
10 in subdivision (c) of Section 22504 without the approval of, and
11 authorization by, the Department of the California Highway Patrol.

12 ~~SEC. 36.~~

13 *SEC. 37.* Section 22504 of the Vehicle Code is amended to
14 read:

15 22504. (a) Upon any highway in unincorporated areas no
16 person shall stop, park, or leave standing any vehicle, whether
17 attended or unattended, upon the roadway when it is practicable
18 to stop, park, or leave the vehicle off such portion of the highway,
19 but in every event an unobstructed width of the highway opposite
20 a standing vehicle shall be left for the free passage of other vehicles
21 and a clear view of the stopped vehicle shall be available from a
22 distance of 200 feet in each direction upon the highway. This
23 section shall not apply upon a highway where the roadway is
24 bounded by adjacent curbs.

25 (b) This section shall not apply to the driver of any vehicle
26 which is disabled in such a manner and to such extent that it is
27 impossible to avoid stopping and temporarily leaving the disabled
28 vehicle on the roadway.

29 (c) Where there is not a clear view of a proposed or existing
30 schoolbus stop from a distance of 200 feet in each direction along
31 a highway, or upon the main traveled portion of a highway where
32 there is not a clear view of the stop from 500 feet in each direction
33 along the highway and the speed limit is more than 25 miles per
34 hour, the stop may only be authorized on an annual basis by and
35 with the approval of the Department of the California Highway
36 Patrol upon the request of the school district superintendent or the
37 director, head, or principal of a private school. If the schoolbus
38 stop is approved by the Department of the California Highway
39 Patrol, the Department of Transportation, in respect to state
40 highways, and local authorities, in respect to highways under their

jurisdiction, shall place sufficient signs along the highway to give adequate notice to motorists that they are approaching such bus stops.

~~SEC. 37.~~

SEC. 38. Section 22651 of the Vehicle Code is amended to read:

22651. A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or a regularly employed and salaried employee, who is engaged in directing traffic or enforcing parking laws and regulations, of a city, county, or jurisdiction of a state agency in which a vehicle is located, may remove a vehicle located within the territorial limits in which the officer or employee may act, under the following circumstances:

(a) When a vehicle is left unattended upon a bridge, viaduct, or causeway or in a tube or tunnel where the vehicle constitutes an obstruction to traffic.

(b) When a vehicle is parked or left standing upon a highway in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the highway.

(c) When a vehicle is found upon a highway or public land and a report has previously been made that the vehicle is stolen or a complaint has been filed and a warrant thereon is issued charging that the vehicle was embezzled.

(d) When a vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move the vehicle from in front of the driveway to another point on the highway.

(e) When a vehicle is illegally parked so as to prevent access by firefighting equipment to a fire hydrant and it is impracticable to move the vehicle from in front of the fire hydrant to another point on the highway.

(f) When a vehicle, except highway maintenance or construction equipment, is stopped, parked, or left standing for more than four hours upon the right-of-way of a freeway that has full control of access and no crossings at grade and the driver, if present, cannot move the vehicle under its own power.

(g) When the person in charge of a vehicle upon a highway or public land is, by reason of physical injuries or illness,

1 incapacitated to an extent so as to be unable to provide for its
2 custody or removal.

3 (h) (1) When an officer arrests a person driving or in control
4 of a vehicle for an alleged offense and the officer is, by this code
5 or other law, required or permitted to take, and does take, the
6 person into custody.

7 (2) When an officer serves a notice of an order of suspension
8 or revocation pursuant to Section 13388 or 13389.

9 (i) (1) When a vehicle, other than a rented vehicle, is found
10 upon a highway or public land, or is removed pursuant to this code,
11 and it is known that the vehicle has been issued five or more notices
12 of parking violations to which the owner or person in control of
13 the vehicle has not responded within 21 calendar days of notice
14 of citation issuance or citation issuance or 14 calendar days of the
15 mailing of a notice of delinquent parking violation to the agency
16 responsible for processing notices of parking violations, or the
17 registered owner of the vehicle is known to have been issued five
18 or more notices for failure to pay or failure to appear in court for
19 traffic violations for which a certificate has not been issued by the
20 magistrate or clerk of the court hearing the case showing that the
21 case has been adjudicated or concerning which the registered
22 owner's record has not been cleared pursuant to Chapter 6
23 (commencing with Section 41500) of Division 17, the vehicle may
24 be impounded until that person furnishes to the impounding law
25 enforcement agency all of the following:

26 (A) Evidence of his or her identity.

27 (B) An address within this state at which he or she can be
28 located.

29 (C) Satisfactory evidence that all parking penalties due for the
30 vehicle and all other vehicles registered to the registered owner of
31 the impounded vehicle, and all traffic violations of the registered
32 owner, have been cleared.

33 (2) The requirements in subparagraph (C) of paragraph (1) shall
34 be fully enforced by the impounding law enforcement agency on
35 and after the time that the Department of Motor Vehicles is able
36 to provide access to the necessary records.

37 (3) A notice of parking violation issued for an unlawfully parked
38 vehicle shall be accompanied by a warning that repeated violations
39 may result in the impounding of the vehicle. In lieu of furnishing
40 satisfactory evidence that the full amount of parking penalties or

1 bail has been deposited, that person may demand to be taken
2 without unnecessary delay before a magistrate, for traffic offenses,
3 or a hearing examiner, for parking offenses, within the county in
4 which the offenses charged are alleged to have been committed
5 and who has jurisdiction of the offenses and is nearest or most
6 accessible with reference to the place where the vehicle is
7 impounded. Evidence of current registration shall be produced
8 after a vehicle has been impounded, or, at the discretion of the
9 impounding law enforcement agency, a notice to appear for
10 violation of subdivision (a) of Section 4000 shall be issued to that
11 person.

12 (4) A vehicle shall be released to the legal owner, as defined in
13 Section 370, if the legal owner does all of the following:

14 (A) Pays the cost of towing and storing the vehicle.

15 (B) Submits evidence of payment of fees as provided in Section
16 9561.

17 (C) Completes an affidavit in a form acceptable to the
18 impounding law enforcement agency stating that the vehicle was
19 not in possession of the legal owner at the time of occurrence of
20 the offenses relating to standing or parking. A vehicle released to
21 a legal owner under this subdivision is a repossessed vehicle for
22 purposes of disposition or sale. The impounding agency shall have
23 a lien on any surplus that remains upon sale of the vehicle to which
24 the registered owner is or may be entitled, as security for the full
25 amount of the parking penalties for all notices of parking violations
26 issued for the vehicle and for all local administrative charges
27 imposed pursuant to Section 22850.5. The legal owner shall
28 promptly remit to, and deposit with, the agency responsible for
29 processing notices of parking violations from that surplus, on
30 receipt of that surplus, the full amount of the parking penalties for
31 all notices of parking violations issued for the vehicle and for all
32 local administrative charges imposed pursuant to Section 22850.5.

33 (5) The impounding agency that has a lien on the surplus that
34 remains upon the sale of a vehicle to which a registered owner is
35 entitled pursuant to paragraph (4) has a deficiency claim against
36 the registered owner for the full amount of the parking penalties
37 for all notices of parking violations issued for the vehicle and for
38 all local administrative charges imposed pursuant to Section
39 22850.5, less the amount received from the sale of the vehicle.

1 (j) When a vehicle is found illegally parked and there are no
2 license plates or other evidence of registration displayed, the
3 vehicle may be impounded until the owner or person in control of
4 the vehicle furnishes the impounding law enforcement agency
5 evidence of his or her identity and an address within this state at
6 which he or she can be located.

7 (k) When a vehicle is parked or left standing upon a highway
8 for 72 or more consecutive hours in violation of a local ordinance
9 authorizing removal.

10 (l) When a vehicle is illegally parked on a highway in violation
11 of a local ordinance forbidding standing or parking and the use of
12 a highway, or a portion thereof, is necessary for the cleaning,
13 repair, or construction of the highway, or for the installation of
14 underground utilities, and signs giving notice that the vehicle may
15 be removed are erected or placed at least 24 hours prior to the
16 removal by a local authority pursuant to the ordinance.

17 (m) When the use of the highway, or a portion of the highway,
18 is authorized by a local authority for a purpose other than the
19 normal flow of traffic or for the movement of equipment, articles,
20 or structures of unusual size, and the parking of a vehicle would
21 prohibit or interfere with that use or movement, and signs giving
22 notice that the vehicle may be removed are erected or placed at
23 least 24 hours prior to the removal by a local authority pursuant
24 to the ordinance.

25 (n) Whenever a vehicle is parked or left standing where local
26 authorities, by resolution or ordinance, have prohibited parking
27 and have authorized the removal of vehicles. Except as provided
28 in subdivisions (v) and (w), a vehicle shall not be removed unless
29 signs are posted giving notice of the removal.

30 (o) (1) When a vehicle is found or operated upon a highway,
31 public land, or an offstreet parking facility under the following
32 circumstances:

33 (A) With a registration expiration date in excess of six months
34 before the date it is found or operated on the highway, public lands,
35 or the offstreet parking facility.

36 (B) Displaying in, or upon, the vehicle, a registration card,
37 identification card, temporary receipt, license plate, special plate,
38 registration sticker, device issued pursuant to Section 4853, or
39 permit that was not issued for that vehicle, or is not otherwise
40 lawfully used on that vehicle under this code.

1 (C) Displaying in, or upon, the vehicle, an altered, forged,
2 counterfeit, or falsified registration card, identification card,
3 temporary receipt, license plate, special plate, registration sticker,
4 device issued pursuant to Section 4853, or permit.

5 (2) When a vehicle described in paragraph (1) is occupied, only
6 a peace officer, as defined in Chapter 4.5 (commencing with
7 Section 830) of Title 3 of Part 2 of the Penal Code, may remove
8 the vehicle.

9 (3) For the purposes of this subdivision, the vehicle shall be
10 released under either of the following circumstances:

11 (A) To the registered owner or person in control of the vehicle
12 only after the owner or person furnishes the storing law
13 enforcement agency with proof of current registration and a
14 currently valid driver's license to operate the vehicle.

15 (B) To the legal owner or the legal owner's agency, without
16 payment of any fees, fines, or penalties for parking tickets or
17 registration and without proof of current registration, if the vehicle
18 will only be transported pursuant to the exemption specified in
19 Section 4022 and if the legal owner does all of the following:

20 (i) Pays the cost of towing and storing the vehicle.

21 (ii) Completes an affidavit in a form acceptable to the
22 impounding law enforcement agency stating that the vehicle was
23 not in possession of the legal owner at the time of occurrence of
24 an offense relating to standing or parking. A vehicle released to a
25 legal owner under this subdivision is a repossessed vehicle for
26 purposes of disposition or sale. The impounding agency has a lien
27 on any surplus that remains upon sale of the vehicle to which the
28 registered owner is or may be entitled, as security for the full
29 amount of parking penalties for any notices of parking violations
30 issued for the vehicle and for all local administrative charges
31 imposed pursuant to Section 22850.5. Upon receipt of any surplus,
32 the legal owner shall promptly remit to, and deposit with, the
33 agency responsible for processing notices of parking violations
34 from that surplus, the full amount of the parking penalties for all
35 notices of parking violations issued for the vehicle and for all local
36 administrative charges imposed pursuant to Section 22850.5.

37 (4) The impounding agency that has a lien on the surplus that
38 remains upon the sale of a vehicle to which a registered owner is
39 entitled has a deficiency claim against the registered owner for the
40 full amount of parking penalties for any notices of parking

1 violations issued for the vehicle and for all local administrative
2 charges imposed pursuant to Section 22850.5, less the amount
3 received from the sale of the vehicle.

4 (5) As used in this subdivision, “offstreet parking facility” means
5 an offstreet facility held open for use by the public for parking
6 vehicles and includes a publicly owned facility for offstreet
7 parking, and a privately owned facility for offstreet parking if a
8 fee is not charged for the privilege to park and it is held open for
9 the common public use of retail customers.

10 (p) When the peace officer issues the driver of a vehicle a notice
11 to appear for a violation of Section 12500, 14601, 14601.1,
12 14601.2, 14601.3, 14601.4, 14601.5, or 14604 and the vehicle is
13 not impounded pursuant to Section 22655.5. A vehicle so removed
14 from the highway or public land, or from private property after
15 having been on a highway or public land, shall not be released to
16 the registered owner or his or her agent, except upon presentation
17 of the registered owner’s or his or her agent’s currently valid
18 driver’s license to operate the vehicle and proof of current vehicle
19 registration, to the impounding law enforcement agency, or upon
20 order of a court.

21 (q) When a vehicle is parked for more than 24 hours on a portion
22 of highway that is located within the boundaries of a common
23 interest development, as defined in subdivision (c) of Section 1351
24 of the Civil Code, and signs, as required by paragraph (1) of
25 subdivision (a) of Section 22658 of this code, have been posted
26 on that portion of highway providing notice to drivers that vehicles
27 parked thereon for more than 24 hours will be removed at the
28 owner’s expense, pursuant to a resolution or ordinance adopted
29 by the local authority.

30 (r) When a vehicle is illegally parked and blocks the movement
31 of a legally parked vehicle.

32 (s) (1) When a vehicle, except highway maintenance or
33 construction equipment, an authorized emergency vehicle, or a
34 vehicle that is properly permitted or otherwise authorized by the
35 Department of Transportation, is stopped, parked, or left standing
36 for more than eight hours within a roadside rest area or viewpoint.

37 (2) Notwithstanding paragraph (1), when a commercial motor
38 vehicle, as defined in paragraph (1) of subdivision (b) of Section
39 15210, is stopped, parked, or left standing for more than 10 hours
40 within a roadside rest area or viewpoint.

(3) For purposes of this subdivision, a roadside rest area or viewpoint is a publicly maintained vehicle parking area, adjacent to a highway, utilized for the convenient, safe stopping of a vehicle to enable motorists to rest or to view the scenery. If two or more roadside rest areas are located on opposite sides of the highway, or upon the center divider, within seven miles of each other, then that combination of rest areas is considered to be the same rest area.

(t) When a peace officer issues a notice to appear for a violation of Section 25279.

(u) When a peace officer issues a citation for a violation of Section 11700 and the vehicle is being offered for sale.

(v) (1) When a vehicle is a mobile billboard advertising display, as defined in Section 395.5, and is parked or left standing in violation of a local resolution or ordinance adopted pursuant to subdivision (m) of Section 21100, if the registered owner of the vehicle was previously issued a warning citation for the same offense, pursuant to paragraph (2).

(2) Notwithstanding subdivision (a) of Section 22507, a city or county, in lieu of posting signs noticing a local ordinance prohibiting mobile billboard advertising displays adopted pursuant to subdivision (m) of Section 21100, may provide notice by issuing a warning citation advising the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of the ordinance, that may include the removal of the vehicle as provided in paragraph (1). A city or county is not required to provide further notice for a subsequent violation prior to the enforcement of penalties for a violation of the ordinance.

(w) (1) When a vehicle is parked or left standing in violation of a local ordinance or resolution adopted pursuant to subdivision (p) of Section 21100, if the registered owner of the vehicle was previously issued a warning citation for the same offense, pursuant to paragraph (2).

(2) Notwithstanding subdivision (a) of Section 22507, a city or county, in lieu of posting signs noticing a local ordinance regulating advertising signs adopted pursuant to subdivision (p) of Section 21100, may provide notice by issuing a warning citation advising the registered owner of the vehicle that he or she may be subject to penalties upon a subsequent violation of the ordinance that may include the removal of the vehicle as provided in paragraph (1).

1 A city or county is not required to provide further notice for a
2 subsequent violation prior to the enforcement of penalties for a
3 violation of the ordinance.

4 ~~SEC. 38. Section 27314.5 of the Vehicle Code is repealed.~~

5 SEC. 39. Section 29004 of the Vehicle Code is amended to
6 read:

7 29004. (a) (1) Except as required under paragraph (2), a towed
8 vehicle shall be coupled to the towing vehicle by means of a safety
9 chain, cable, or equivalent device in addition to the regular drawbar,
10 tongue, or other connection.

11 (2) A vehicle towed by a tow truck shall be coupled to the tow
12 truck by means of at least two safety chains in addition to the
13 primary restraining system. The safety chains shall be securely
14 affixed to the truck frame, bed, or towing equipment, independent
15 of the towing sling, wheel lift, or under-reach towing equipment.

16 (3) A vehicle transported on a slide back carrier tow truck or
17 on a trailer shall be secured by at least four tiedown chains, straps,
18 or an equivalent device, independent of the winch or loading cable.
19 This subdivision does not apply to vehicle bodies that are being
20 transported in compliance with Sections 393.100 to 393.136,
21 inclusive, of Title 49 of the Code of Federal Regulations.

22 (b) All safety connections and attachments shall be of sufficient
23 strength to control the towed vehicle in the event of failure of the
24 regular hitch, coupling device, drawbar, tongue, or other
25 connection. All safety connections and attachments also shall have
26 a positive means of ensuring that the safety connection or
27 attachment does not become dislodged while in transit.

28 (c) No more slack may be left in a safety chain, cable, or
29 equivalent device than is necessary to permit proper turning. When
30 a drawbar is used as the towing connection, the safety chain, cable,
31 or equivalent device shall be connected to the towed and towing
32 vehicle and to the drawbar so as to prevent the drawbar from
33 dropping to the ground if the drawbar fails.

34 (d) Subdivision (a) does not apply to a semitrailer having a
35 connecting device composed of a fifth wheel and kingpin assembly,
36 and does not apply to a towed motor vehicle when steered by a
37 person who holds a license for the type of vehicle being towed.

38 (e) For purposes of this section, a “tow truck” includes both of
39 the following:

- 1 (1) A reposessor's tow vehicle, as defined in subdivision (b)
- 2 of Section 615.
- 3 (2) An automobile dismantler's tow vehicle, as defined in
- 4 subdivision (c) of Section 615.
- 5 (f) A vehicle towed by a reposessor's tow vehicle, as defined
- 6 in subdivision (b) of Section 615, is exempt from the multisafety
- 7 chain requirement of paragraph (2) of subdivision (a) so long as
- 8 the vehicle is not towed more than one mile on a public highway
- 9 and is secured by one safety chain.

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